

Introduced by Senator Stone

February 19, 2016

An act to amend Section 1454 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1344, as introduced, Stone. Domestic work employees.

The Domestic Worker Bill of Rights prohibits a domestic work employee, as defined, who is a personal attendant, as defined, from being employed more than 9 hours in any workday or more than 45 hours in any workweek, unless the employee receives 1.5 times the employee's regular rate of pay for all hours worked over 9 hours in any workday and for all hours worked more than 45 hours in the workweek. Those provisions are repealed as of January 1, 2017.

This bill would authorize a domestic work employee who is a live-in employee or who is required to be on duty for 24 or more consecutive hours to enter into a written agreement with the domestic work employer to exclude from hours worked a bona fide regularly scheduled sleeping period of not more than 8 hours for uninterrupted sleep, if specified conditions are met. If the sleeping period is interrupted by an emergency, only time spent working during the emergency would constitute hours worked. Absent a written agreement, the 8 hours available for sleep would constitute hours worked.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1454 of the Labor Code is amended to
2 read:

3 1454. (a) A domestic work employee who is a personal
4 attendant shall not be employed more than nine hours in any
5 workday or more than 45 hours in any workweek unless the
6 employee receives one and one-half times the employee's regular
7 rate of pay for all hours worked over nine hours in any workday
8 and for all hours worked more than 45 hours in the workweek.

9 (b) *If a domestic work employee is a live-in employee or is*
10 *required to be on duty for 24 or more consecutive hours, the*
11 *domestic work employer and the domestic work employee may*
12 *agree, in writing, to exclude from hours worked a bona fide*
13 *regularly scheduled sleeping period of not more than eight hours*
14 *for uninterrupted sleep, if the employee has eight hours free of*
15 *duty and available for continuous, uninterrupted sleep and the*
16 *domestic work employer otherwise complies with this section. If*
17 *the sleeping period is interrupted by an emergency, only time spent*
18 *working during the emergency shall constitute hours worked.*
19 *Absent a written agreement, the eight hours available for sleep*
20 *shall constitute hours worked.*